

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Petition of the Greenlining Institute to adopt, amend, or repeal a regulation pursuant to Public Utilities Code Section 1708.5 and, in particular, for an Order Instituting Rulemaking to track Supplier Diversity pursuant to California Public Utilities Commission General Order 156.

Petition 05-10-031
(Filed October 19, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING GRANTING
EXTENSION TO PURSUE VOLUNTARY
COMPLIANCE WITH GREENLINING'S PETITION**

This ruling grants the Greenlining Institute's (Greenlining) request for an extension of the six-month deadline to grant or deny a petition for rulemaking. Greenlining shall have until June 19, 2006 to seek voluntary compliance with tracking supplier diversity.

Background

Greenlining filed a petition requesting that the Commission open a rulemaking to track supplier diversity. Greenlining proposed a tracking mechanism designed to track by size Women/Minority/Disabled/Veteran Business Enterprises (WMDVBE) who contract with utilities. The Joint Utilities (San Diego Gas & Electric Company, Southern California Gas Company, Pacific Gas and Electric Company, Southern California Edison Company, Southwest Gas Corporation, and SureWest Telephone) opposed Greenlining's petition. AT&T (Pacific Bell Telephone Company formerly dba SBC California) initially supported the concept of tracking supplier diversity but opposed making that a requirement under General Order (GO) 156. Greenlining replied to the opposing

parties by attaching the declaration of two supplier diversity experts who supported Greenlining's proposal and discredited alternatives raised by AT&T. AT&T subsequently agreed to voluntarily track the information requested by Greenlining.

On March 21, 2006, Greenlining sent an e-mail to the administrative law judge requesting that the Commission delay a determination on Greenlining's petition until October 2006 in order to give Greenlining the opportunity to secure voluntary compliance with its petition. Greenlining is meeting collectively with the utilities at the supplier diversity meetings and also is discussing its proposal with individual utilities. The manager of the Commission's utility supplier diversity program, Arthur Jimenez, has worked with the parties on a reporting mechanism and on the means of obtaining WMDVBE revenues from the Commission's WMDVBE clearinghouse operator, Asian, Inc. AT&T has agreed to a report format, and Greenlining presented that format at the March 10, 2006 diversity counsel. To date there has been insufficient time for the utilities to determine whether they will voluntarily comply with the report format. Greenlining will propose a six-month pilot program at the April meeting. If the utilities do not agree to the pilot program, Greenlining requests that the Commission grant or deny the petition.

Discussion

Pub. Util. Code section 1708.5 requires the Commission to act on a petition for a rulemaking within 6 months of the filing of the petition. (§ 1708.6(b)(1)). That six-month period will expire this month. However, efforts are underway to resolve the utilities' opposition to tracking supplier diversity and to secure voluntary compliance. To that end, the Commission's Arthur Jimenez is

working with Greenlining and the utilities on a workable means of securing supplier diversity information.

The Commission favors ADR. Greenlining's efforts to refine its proposal and secure voluntary compliance appear more productive than opening a rulemaking and taking further comments. It would be in the interest of the Commission and the parties to encourage ADR in this proceeding and to extend the time for Greenlining to secure voluntary compliance with tracking supplier diversity until June 19, 2006. If the utilities agree to a pilot program, Greenlining may seek a further extension on or before June 19, 2006.

IT IS SO RULED.

Dated April 18, 2006, at San Francisco, California.

/s/ JANICE GRAU
Janice Grau
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Extension to Pursue Voluntary Compliance with Greenlining's Petition on all parties of record in this proceeding or their attorneys of record.

Dated April 18, 2006, at San Francisco, California.

/s/ ELIZABETH LEWIS
Elizabeth Lewis

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.